

House File 2059 - Introduced

HOUSE FILE 2059

BY ISENHART

A BILL FOR

1 An Act requiring an environmental impact assessment under
2 specified circumstances prior to the granting of a permit to
3 construct, maintain, or operate a hazardous liquid pipeline,
4 and including effective date and retroactive applicability
5 provisions.
6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 479B.9, Code 2016, is amended to read as
2 follows:

3 **479B.9 Final order — ~~condition~~ conditions.**

4 1. The board may grant a permit in whole or in part upon
5 terms, conditions, and restrictions as to location and route,
6 and upon terms, conditions, and restrictions based on the
7 results of the environmental impact assessment if required
8 pursuant to section 479B.9A, as it determines to be just and
9 proper.

10 2. A permit shall not be granted to a pipeline company
11 unless the board determines that the proposed services will
12 promote the public convenience and necessity and unless the
13 environmental impact assessment conducted pursuant to section
14 479B.9A, if required, estimates that the environmental impact
15 resulting from constructing, maintaining, and operating the
16 pipeline will be minimal.

17 **Sec. 2. NEW SECTION. 479B.9A Environmental impact**
18 **assessment — when required — preparation.**

19 1. An assessment of the environmental impact estimated to
20 result from the construction, maintenance, and operation of a
21 pipeline shall be conducted as provided in subsection 2. The
22 assessment shall be conducted by a third party contracted with
23 by the applicant and submitted to the board for approval prior
24 to the assessment taking place.

25 2. An environmental impact assessment shall be required
26 as provided in this subsection for permits for a pipeline to
27 be constructed on or after January 1, 2016. An assessment
28 shall be required if requested by the board upon review of
29 the petition submitted pursuant to section 479B.5, or if the
30 board receives a request for an assessment from any combination
31 of three or more counties or soil and water conservation
32 districts through which the pipeline is proposed to pass, which
33 may include one or more counties or districts through which
34 the pipeline is not proposed to pass but which are part of
35 a watershed management authority with a county or district

1 through which the pipeline is proposed to pass. Requests from
2 a county and a soil and water conservation district that share
3 geographical jurisdiction shall be considered one request.

4 Sec. 3. Section 479B.10, Code 2016, is amended to read as
5 follows:

6 **479B.10 Costs and fees.**

7 The applicant shall pay all costs of the informational
8 meetings, environmental impact assessment, hearing, and
9 necessary preliminary investigation, including the cost
10 of publishing notice of hearing, and shall pay the actual
11 unrecovered costs directly attributable to inspections
12 conducted by the board.

13 Sec. 4. EFFECTIVE UPON ENACTMENT. This Act, being deemed of
14 immediate importance, takes effect upon enactment.

15 Sec. 5. RETROACTIVE APPLICABILITY. This Act applies
16 retroactively to January 1, 2016.

17 EXPLANATION

18 The inclusion of this explanation does not constitute agreement with
19 the explanation's substance by the members of the general assembly.

20 This bill requires an environmental impact assessment under
21 specified circumstances prior to the granting of a permit to
22 construct, maintain, or operate a hazardous liquid pipeline.

23 Currently, Code chapter 479B provides that the Iowa
24 utilities board may grant a permit to construct, maintain,
25 and operate a hazardous liquid pipeline in whole or in part
26 upon terms, conditions, and restrictions as to location
27 and route as it determines to be just and proper. The bill
28 adds that the permit may additionally be granted upon terms,
29 conditions, and restrictions imposed by the board based on
30 the results of an environmental impact assessment which may
31 be required to be conducted. The bill provides that a permit
32 shall not be granted to a pipeline company, in addition to
33 other factors, unless the environmental impact assessment, if
34 required, estimates that the environmental impact resulting
35 from constructing, maintaining, and operating the pipeline will

1 be minimal.

2 The bill provides that an environmental impact assessment
3 shall be required under specified circumstances for permits
4 for a pipeline to be constructed on or after January 1, 2016.
5 The bill provides that an assessment shall be required if
6 requested by the board upon review of the petition for a
7 permit submitted by an applicant or if the board receives a
8 request for an assessment from any combination of three or
9 more counties or soil and water conservation districts through
10 which the pipeline is proposed to pass, which may include
11 one or more counties or districts through which the pipeline
12 is not proposed to pass but which are part of a watershed
13 management authority within a county or district through which
14 the pipeline is proposed to pass. Requests from a county and a
15 soil and water conservation district that share geographical
16 jurisdiction shall be considered one request.

17 The bill provides that an assessment shall be conducted by a
18 third party contracted with by the applicant and submitted to
19 the board for approval prior to the assessment taking place,
20 and that the applicant shall pay all costs of the assessment.

21 The bill takes effect upon enactment and is retroactively
22 applicable to petitions for a hazardous liquid pipeline to be
23 constructed on or after January 1, 2016.